

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11052 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JASVANTSINH SOMSINH GOHIL

Versus

STATE OF GUJARAT 7 ANR

Appearance:

MR RK MISHRA for Petitioner
MS SIDDHI TALATI for Respondent No. 1, 2 & 3
None present for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/09/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioner, a primary teacher of respondent No.4, filed this Specail Civil Application before this Court and grievance has been made that though he possesses the qualification of B.Ed., still he has been treated as

primary untrained teacher and consequently he has been deprived of the benefit of grade prescribed for trained primary teacher.

3. The petitioner has taken the degree of B.Ed. in the year 1984. This Court has taken view in many cases that a primary teacher who possesses qualification of B.Ed. is to be treated as trained primary teacher and accordingly is entitled for pay in the pay scale prescribed for primary trained teachers. In view of the settled position of law on this question, this writ petition deserves acceptance and accordingly the same is allowed.

4. In the result, this Special Civil Application succeeds and it is hereby declared that the petitioner is a primary trained teacher, and as such, he is entitled for the pay scale prescribed for primary trained teacher with effect from the date on which he acquired the degree of B.Ed. The petitioner shall be entitled for all other consequential benefits following therefrom. Rule made absolute in aforesaid terms with no order as to costs.

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(sunil)